

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVIN GERARD MITCHELL,

Defendant.

**CR-07-12-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 3, 2020. (Doc. 79.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on June 2, 2020. (Doc. 75.) The United States accused Mitchell of violating his conditions of his supervised release 1) by using methamphetamine; and 2) by failing to successfully complete his sex offender treatment program. (Doc. 70 at 2). At the revocation hearing, Mitchell admitted that he had violated the condition of his supervised release by 1) by using methamphetamine. The government satisfied its burden of proof with respect to alleged violation 2. (Doc. 75.) Judge Johnston found that Mitchell's violations warranted revocation, and recommended that Mitchell should receive a custodial sentence of 6 months, with 37 months supervised release to follow. (Doc. 79.) Mitchell waived his the 14 day objection period and his right to allocute before the undersigned.

The violations prove serious and warrant revocation of Mitchell's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 79) are **ADOPTED IN FULL**.

**IT IS FURTHER ORDERED** that Defendant Kevin Gerard Mitchell be incarcerated for 6 month, with 37 months of supervised release to follow. The undersigned will entertain a motion to terminate Mitchell's supervised release if Mitchell successfully completes his sex offender treatment program.

DATED this 3rd day of June, 2020.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

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Brian Morris, Chief District Judge  
United States District Court